

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

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|---------------------------------|---|----------------------------------|
| MOBILE MOTHERBOARD INC., | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CAUSE NO. WA-23-CV-325-KC |
| | § | |
| ASUSTEK COMPUTER INC., | § | |
| | § | |
| Defendant. | § | |

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On this day, the Court considered the above-captioned case. On December 12, 2023, the Court referred Defendant ASUSTeK Computer Inc.’s Motion to Dismiss (“Motion”), ECF No. 11, to United States Magistrate Judge Anne T. Berton pursuant to 28 U.S.C. § 636(b) for proposed findings of fact and conclusions of law. Dec. 12, 2023, Text Order. On February 5, 2024, the Magistrate Judge filed a Report and Recommendation (“R&R”), ECF No. 17, recommending that the Motion be denied. R&R 22.

Parties have fourteen days from service of a Report and Recommendation of a United States Magistrate Judge to file written objections. *See* 28 U.S.C. § 636(b)(1)(C).¹ Over fourteen days have elapsed since all parties were served with the R&R, and no objections have been filed.

When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After reviewing the R&R, the Court agrees with the Magistrate Judge’s proposed findings of fact and conclusions of law and finds

¹ Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made . . .”).

that they are neither clearly erroneous nor contrary to law. *See id.*

Accordingly, the Court **ADOPTS** the R&R, ECF No. 17, in its entirety, and **ORDERS** that ASUSTeK Computer Inc.'s Motion to Dismiss, ECF No. 11, is **DENIED**. R&R 22.

SO ORDERED.

SIGNED this 21st day of February, 2024.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE